

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

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OPERATION OCR, LLC D/B/A)
OTHERWORLD FITNESS, et al;)
 Plaintiffs,)
)
)
v.) Case No. 1:21-cv-00850
)
)
KATHLEEN PASSAFARO, et al)
)
 Defendants.)
)

**DEFENDANT/COUNTER PLAINTIFF PASSAFARO NOVA NINJA LLC, D/B/A NOVA
NINJA'S MOTION TO WITHDRAW FIRST AMENDED COUNTERCLAIM**

COMES NOW, Defendant KATHLEEN PASSAFARO ("Passafaro") by and through undersigned counsel, submits her Motion for Leave to Withdraw her First Amended Counterclaim and find her Second Amended Counterclaim timely filed in the above styled matter.

1. Pursuant to this Court's Order dated January 14, 2022, Defendant/Counter Plaintiff Passafaro Nova Ninja LLC, d/b/a Nova Ninja ("Nova Ninja") was granted leave to amend its Counterclaim as to Count I of its Counterclaim by January 21, 2022.
2. Nova Ninja filed its First Amended Counterclaim timely on January 21, 2022.
3. Shortly after filing its First Amended Counterclaim, Nova Ninja made changes to the First Amended Counterclaim and resubmitted as Second Amended Counterclaim timely on January 21, 2022.

4. Counsel has conferred with opposing counsel, and he does not object to the withdrawal of Nova Ninja's First Amended Counterclaim and recognizing Nova Ninja's Second Amended Counterclaim timely filed.
5. Counsel requests the Court to make a determination on this motion without a hearing pursuant to Fed. R. Civ. P. 78 and Local Rule 7 (J).

WHEREFORE, Defendants/Counter Plaintiff Nova Ninja respectfully requests of this Court:

1. Rule on this motion without a hearing pursuant to Fed. R. Civ. P. 78 and Local Rule 7 (J);
2. Grant Nova Ninja's motion to withdraw its First Amended Counterclaim;
3. Find Nova Ninja timely filed its Second Amended Counterclaim in response to this Court's Order dated January 14, 2022; and
4. All other relief this Court deems just and proper.

Dated: January 26, 2022

Respectfully submitted,

/s/ Alex Heidt
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CERTIFICATION

I hereby certify that on this 26th day of January 2022, a true and correct copy of the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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